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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,297	06/23/2003	Shin Hui Chuang	TP3002	6387

7590 10/05/2004
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EXAMINER

HOESLY, RYAN C

ART UNIT	PAPER NUMBER
3727	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/601,297	Applicant(s) CHUANG, SHIN HUI	
	Examiner Ryan C. Hoesly	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "41" has been used to designate both a decoration and a buckle. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: Unclear sentence structure throughout. For example, the sentence (Specification section 2, paragraph 2, sentence 2) "The operation is performed by one or two bands are protruded from the front surface of the bag and then are buckled to the buckles at the front surface." The disclosure should be examined for similar occurrences where there are incorrect or missing words that could confuse the applicant's intended meaning.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanking (US Patent Number 6179186). Blanking teaches a backpack, which includes a hard casing (50) and a soft enclosure (30). Blanking further discloses that the soft enclosure has attached to it, belts (4) for being carried on the shoulders of users, a flexible cover (16) for covering the opening, and locked connections (40) that connect the hard casing and the soft enclosure are formed at two sides of the bag. A band or cord (18) passes through the insertion portion on the cover and has a locking means (column 4, line 58) that can tighten the bag over the opening. The casing further has a buckle or cleat (20) that can secure the cord, and therefore the cover, to the bag so as to prevent objects from falling out of the bag. The sides of the bag also have multiple buckles (24) to tighten the soft enclosure to the hard casing. Blanking further discloses a handle (5) attached to the top of the soft enclosure.

5. With regards to claim 1, the Blanking device nearly matches exactly with the claimed invention with the exception of the second insertion portion for the cord that allows the cord, and therefore the cover, to be secured to the hard casing. However, this is a slight modification that stays well within the scope and spirit of the Blanking device, which identically performs the same function through the single opening, and

would have been obvious to one skilled in the art at the time of invention to make this alteration based on the Blanking device.

6. With regards to claim 3, Blanking distinctly discloses handle (5) installed on the soft enclosure.

7. With regards to claim 5, Blanking discloses that one of the connectors can be made of metal and the other can be made of a pliable material. As it has been seen over the years that leather is a suitable choice in manufacturing or accenting backpacks and other carrying devices, it would be obvious to one skilled in the art at the time of invention to make the other connector out of the industry-used material leather.

8. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanking as applied to claims 1,3, and 5 above, and further in view of Lane (US Patent Number D390352). Lane discloses a computer pack, which includes a pack that could be worn as a backpack with multiple hidden bags or pockets inside that would be perfectly capable of receiving valuable objects as well as a handle on the top of the case. Therefore, while Blanking does not disclose whether or not the backpack has any hidden bags or pockets, it can be seen through Lane's computer pack that it is a common practice of the backpack and carrying apparatus industry to include hidden bags or pockets inside the main cavity of the carrying apparatus. Thus, it would have been obvious to one skilled in the art at the time of invention to modify the Blanking device by adding an inside bag for receiving valuables.

Conclusion

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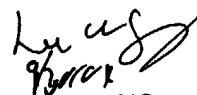
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record can be found in the Notice of References Cited (PTO Form-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan C. Hoesly whose telephone number is (703) 305-0576. The examiner can normally be reached on Monday-Thursday 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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